

APPROVED: Meeting No. 2-88

ATTEST: *Helen M. Neuzhan*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
MEETING NO. 33-87

July 27, 1987

The Mayor and council of Rockville, Maryland convened in General Session in Council Chamber, Rockville City Hall, Maryland Avenue at Vinson Street, on Monday, July 27, 1987 at 8:00 p.m.

PRESENT

Mayor Steven Van Grack

Councilman Steve Abrams

Councilman James Coyle

Councilman Douglas Duncan

Councilman Peter Hartogensis

The Mayor in the Chair.

In attendance: City Manager Richard Robinson, City Attorney Paul Glasgow and City Clerk Carol A. Kachadoorian.

Invocation

The invocation was delivered by Reverend Leon Grant of Mount Calvary Baptist Church.

Re: City Manager's Report

City Manager Richard Robinson reported the following:

1. Staff has completed its work on the progress report on management issues in the Police Department. The report was transmitted to the Mayor and Council in the July 24th Various Items. Copies of the report are available to the community at large.
2. The City's first annual sports festival was held this past weekend. The festival was a success with approximately 2,400 participating in the

3. Staff has received a request to meet with officials from Greenbelt regarding the City's "Say No To Drugs" program. Don Vandrey and Rusty Wallace will meet with the City Manager and other members of staff from Greenbelt.

4. The suggestion for renaming the Lincoln Park Community Center after Clarence "Pint" Israel has received a favorable report from staff. Staff is waiting, however, for a response from the Lincoln Park Citizens Association before bringing the item back to the Mayor and Council for a decision.

Mayor Van Grack asked the City Manager to contact Reverend Albert Moser regarding the re-naming of the Lincoln Park Community Center after Clarence "Pint" Israel. The Mayor also noted that the Police report was excellent and that it shows a positive direction for the Rockville Police Department, including the cooperation between the City and the County. The Mayor expressed his appreciation for the sports festival this past weekend. He felt that the staff did an excellent job and thanked all the citizens who helped cool off the runners during the twilight run.

Councilman Duncan also expressed his appreciation for the sports festival, noting that staff put in a great number of hours to make each event happen.

Re: Mayor's Report

1. Mayor Van Grack noted that this is the last meeting of the City Clerk Carol Kachadoorian. He expressed his thanks to her for her work during the past year.

2. The Mayor stated that he is pleased to see support from the State Legislative for a state study of a vehicular bridge for Lincoln Park.

3. The Mayor complimented staff for its efforts in preparing the Strategic Management Process Guide Book.

4. The Holiday Tyler Corporation has sent a letter to the City in response to the Mayor's letter. The letter from Holiday Tyler showed spirit of cooperation and will be forwarded to John Evans, Chairman of the Science and Technology Commission.

Re: Council's Report

1. Councilman Hartogensis, on behalf of himself and Councilman Abrams, reported that they had had lunch with approximately twenty elected Costa Rican officials. He stated the meeting was very informative and both enjoyed the discussion with the officials.

2. Councilman Coyle noted that the Washington Metropolitan Council of Governments has recently announced a regional smoke detector awareness campaign. The kick-off media campaign will be held on Wednesday, October 7, 1987, in Old Town, Alexandria, at the Friendship Fire Company.

3. Councilman Duncan also expressed this thanks to City Clerk Carol Kachadoorian for her efforts during the past year.

Re: Citizens Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council.

1. Richard Arkin, 525 Lynch Street, addressed the Council regarding the proposed non-smoking ordinance, suggesting that the Mayor and Council consider the new Beverly Hills ordinance rather than the old one. He stated that it places stronger restrictions on smoking in restaurants than the Montgomery County ordinance.

2. Agnes Gotleave addressed the Mayor and Council regarding the City's K.A.T. program. She stated that she was at City Hall early to register her child for the program but, because of the large number of registrants, is now number eight on the waiting list. Ms. Gotleave stated that there is not enough space for students in the K.A.T. program at Lakewood Elementary and had spoken with Councilman Duncan at a drop-in session several weeks ago regarding the matter. Councilman Duncan stated he intended to bring up the issue under New Business at this evenings meeting. He said he was told by staff that they are aware of the problem in the Lakewood area and are looking for additional space to accommodate more students. Ms. Gotleave asked why the City cannot give preference for the program to City residents. Councilman Hartogensis responded that because the program is held in Montgomery County public schools, the City cannot restrict it to City residents. Ms. Gotleave also noted that she had asked Montgomery County public schools to transfer her child to Ritchie Park Elementary School, where there is space in the K.A.T. program, but was told that the request for the transfer would not be granted.

3. Ardelle Shirley, 605 Douglas Avenue, addressed the Mayor and Council regarding the State Highway Administration feasibility study on the vehicular access bridge at Frederick Avenue and the meeting to be held with State officials on July 31, 1987. She said that the Lincoln Park Civic Association would like information on the alternatives to be discussed at the meeting, and that the association would like to be present to observe the discussion. Mayor Van Grack stated that the request to participate in the meeting has been accommodated through the

Association for Concerned Citizens of the Rockville Area, and that it was the City's intent to take someone from the Lincoln Park community to the meeting. Councilman Duncan asked if staff can meet with a representative of the Lincoln Park Civic Association prior to the 31st to prepare the representative for the meeting. City Manager Richard Robinson noted that staff would be happy to accommodate this request as soon as we hear from A.C.C.R.A. regarding who their representative is going to be.

In response to a question from Councilman Coyle regarding who the participant will be, Ms. Shirley noted that the person will be selected the next evening at the Association's meeting.

Re: Appointments

Mayor Van Grack, with the concurrence of Council, made the following appointments:

Recreation and Park Advisory Board - Laura Faich, appoint, 2-year term
711 Marshall Avenue

Hall Sadler, appoint, 2-year term
607 Marcia Lane

County Executive's Cable

Commission Advisory Committee - Greg Conville, appoint
4 Gruenther Court

Science and Technology Commission - Dr. David Carnow, appoint, 3-year term
1707 Farragut Avenue

John Evans, appoint, Chairman
118 Monroe Street, #307

Alternative Community Service Commission - Richard Zeidman, re-appoint
14004 North Common Way

Landlord/Tenant Affairs Commission - Joni Rainbolt, re-appoint
527 W. Montgomery Avenue

Sign Review Board - Sue Semonis, re-appoint
507 Carr Avenue

Public Education Advisory Commission - Stuart Greenfeig, appoint, Chairman
1129 Pipestem Place

Re: Presentation: Awards for
Senior Golf Tournament

The Mayor and Council presented the awards for the Director's Cup for men and women and the Open Championship Cup for men and women for the Senior Golf Tournament held during the sports festival this past weekend. The winners were as follows:

Director's Cup - Men - Hugh Virts
Women - Bette Bowman

Open Champion Cup - Men - Robert Johnson
Women - Georgina Lamb

Re: Consent Agenda

Mayor Van Grack asked that item (e), Award of Bid No. 10-88 Printing of Rockville Reports, be removed from the Consent Agenda as the award of bid is less than \$20,000, and therefore does not require the approval of the Mayor and Council.

Re: Adoption of Resolution to
Authorize Signatures for City
bank accounts and to permit
examination of safety deposit
box.

Resolution No. 19-87

On motion of Councilman Hartogensis, duly seconded and unanimously passed, Resolution No. 19-87, the full text of which can be found in Resolution Book No. 8 of the Mayor and Council, authorizing signatures for City bank accounts and to permit examination of safety deposit box, was adopted by the Mayor and Council.

Re: Introduction of Ordinance to amend Section 1-107 of Chapter 14D of the "Laws of Rockville" entitled "Building Restriction Lines" to terminate building line No. 6 at Gude Drive in lieu of terminating line No. 6 at the northerly boundary of the City of Rockville

On motion of Councilman Hartogensis, there was introduced upon the table and ordinance to amend Section 1-107 of Chapter 14D of the "Laws of Rockville" entitled "Building Restriction Lines" to terminate building line No. 6 at Gude Drive in lieu of terminating line No. 6 at the northerly boundary of the City of Rockville. Said ordinance to lay over for at least one week before final action is taken.

Re: Approval of Noise Control Agreement with Montgomery County

On motion of Councilman Hartogensis, duly seconded and unanimously passed, the Mayor and Council approved the Noise Control Agreement with Montgomery County.

Re: Award of Bid No. 6-88 FY 1988 Smoothseal Contract

Bids were opened for the Fiscal Year 88 Smoothseal Contract at 3:00 pm, Thursday, July 16, 1987 in the Mayor and Council Chambers. Two bids were received, as follows:

F.O. Day Company (\$40 per ton) Rockville, Maryland	\$226,840.00
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A.H. Smith (\$40.25 per ton) Branchville, Maryland	\$228,254.00
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Budget Appropriation	\$275,000.00
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The current bid is based on 5,656 tons of smoothseal and utility adjustments for various streets. A contractual provision was included

which allows the City the option to adjust the quantities to utilize the total Smoothseal appropriation.

This years, per ton cost, is approximately 5% higher than last year's price (\$38.00) which is reflective of the increase in oil prices and costs of liquid asphalt. Historically, for this type of bid and operation, we generally receive quotes from only two bidders. Because of the favorable bids it may be possible to do some of the additional streets, also shown on the attached list.

The low bidder, F.O. Day Company is an experienced paving contractor who has previously performed this work for the City in a satisfactory manner.

Staff recommends award of the Smoothseal contract to the low bidder, F.O. Day Company at the unit price quoted and in the total amount of the appropriation of \$275,000.00.

On motion of Councilman Hartogensis, duly seconded and unanimously passed, award of Bid No. 6-88, FY88 Smoothseal Contract, was award to F.O. Day Company in the amount of \$275,000.00.

Re: Award of Invitation to Bid
No. Y10200 (Washington
Metropolitan Area Transit
Authority) Cooperative Diesel
Fuel for the Council of
Governments

Invitation for Bids was issued for the purchase of #2 Diesel Fuel. Each participating jurisdiction, including the City of Rockville, is to make its own award and execute its own contract. This bid is effective through June 30, 1988 with an option for one year.

Bid were allowed on an escalating basis only. Price revisions will be computed by using the "average" prices, FOB Baltimore, computed and

published by the "Oil Price Information Service". Price revisions will be effected on the first and third Monday of each month and will be computed on a net price only.

Bids were as follows:

Truck Transport #2 Diesel Fuel Delivered

Stuart Petroleum Company \$.4913/gallon*

The City's estimated annual usage of #2 Diesel Fuel delivered via Truck Transport is 48,000 gallons.

*This total does not include Maryland Road Tax. The City pays the State of Maryland separately.

Tank Wagon #2 Diesel Fuel Delivered

Petron Oil Corporation \$.5757/gallon

The City's estimated annual usage for #2 Diesel Fuel delivered via Tank Wagon is 1,000 gallons.

Steuart Petroleum Company and Petron Oil Corporation are both responsive and responsible.

Staff recommends ward be made to Steuart Petroleum Company for #2 Diesel Truck Transport Delivered and to Petron Oil Corporation for #2 Diesel Tank Wagon Delivered.

On motion of Councilman Hartogensis, duly seconded and unanimously passed, the Mayor and Council awarded Truck Transport #2 Diesel Fuel Delivered Bid to Steuart Petroleum Company at .4913/gallon and Tank Wagon #2 Diesel Fuel Delivered at .5757/gallon to Petron Oil Corporation.

Re: Public Hearing: Text
Amendment Application T-84-87,
Peter S. Glassman, D.V.M.,
Applicant (veterinary clinics
in various industrial and
commercial zones)

The Mayor and Council conducted a public hearing on Text Amendment Application T-84-87, Peter S. Glassman, D.V.M., Applicant to include veterinary clinics in various industrial and commercial zones. The Mayor and Council heard those persons as can be found in the official stenographic transcript. There being no other person wishing to be heard, the Mayor declared the hearing closed, with the record to be left open until August 10, 1987 at 5:00 pm.

Re: Discussion, Decision and
Instructions to Staff on No
Smoking Ordinance

Councilman Coyle expressed his concern over the need to provide appropriate ventilation in restaurant even with designated smoking areas. He stated knows it would be difficult for existing restaurants to provide such ventilation but, suggested a review be done on adding such regulations to the Building Code for new residents. City Attorney Paul Glasgow confirmed that regulations can be put into the Building Code. Councilman Duncan concurred with Councilman Coyle's idea and suggested that staff review the new Beverly Hills ordinance to see what is included there. Councilman Hartogensis also concurred with the idea, but stated he does not want to hold up adoption of legislation at this time in order to put changes in the building code. Councilman Coyle noted that for existing restaurants, the answer may mean holding up the legislation under consideration. City Manager Robinson noted that staff will look into the idea, however, if the Montgomery County legislation is adopted, it will be

easier to enforce it for the time being because Montgomery County Health officials could do the enforcing. Should something different be adopted, however, it would be more difficult to enforce because City staff would then be required to do the enforcing. Councilman Coyle asked that a review be done of the fifty seat threshold included in the Montgomery County ordinance and that consideration be given to smaller restaurants. Councilman Hartogensis stated that it may not be practical to have a no-smoking ordinance apply to a restaurant with only ten to fifteen seats, and that we may want to adopt the Montgomery County legislation now, this being fair to all parties in this matter. Councilman Duncan agreed with Councilman Hartogensis regarding his desire to adopt the Montgomery County ordinance now, providing that staff take a look into ventilation systems for the future. Councilman Abrams expressed his concerns with adopting something now, particularly if it is adopted as a health code, should this be the case, the City would be pre-empted, however, he noted that the City does have a window of time to do something. He suggested that staff look at the Arlington County, Virginia, ordinance, in that it has a seventy-five seat threshold and seems to be a successful one in terms of implementation. City Manager Robinson noted that staff would do an additional analysis and also look into the effect of adopting the Montgomery County ordinance as health regulations. He noted that it will take about sixteen to eighteen weeks to complete the staff work on this additional information, and that should the Mayor and Council desire to pass something sooner, he suggested that the Montgomery County ordinance be adopted. Mayor Van Grack proposed adopting the Montgomery County ordinance with a lower threshold and at the same time, begin the process

of developing legislation for non-smoking areas in public buildings. City Attorney Paul Glasgow confirmed that separate legislation would be needed for non-smoking sections in public buildings, although a hearing is not required by the City code. In addition, he stated there is a need to check with Montgomery County to see if they would be willing to enforce an ordinance with a threshold lower than fifty seats.

Mayor Van Grack, noting that there is consensus on the Mayor and Council to adopt the Montgomery County ordinance, directed the City Attorney to prepare such an ordinance for adoption, and at the same time, include information on threshold options. In addition, Mayor Van Grack noted that there are other areas of research for which the Mayor and Council would like information, including ventilation systems, design considerations and non-smoking areas in public buildings.

Re: Decisions and Instructions to
staff re: Map Amendment
Application M-49-87, Peter J.
and Mayda C. Tsaknis,
Applicant (Beall Avenue)

Mayor Van Grack announced that the applicants of this Map Amendment had requested that it be withdrawn without prejudice.

On motion of Councilman Hartogensis, duly seconded and unanimously passed, Map Amendment Application M-49-87, Peter J. and Mayda C. Tsaknis, Applicants, the Mayor and Council approved the withdrawal of this application without prejudice, and directed staff to prepare the necessary legal documentation for this action.

Re: Decisions and Instructions to
staff re: Street Closing
Abandonment Application SCA-
52-87, Tower-Dawson Limited
Partnership, Applicant
(westerly side of Monroe
Street)

On motion of Councilman Abrams, duly seconded and unanimously passed, the Mayor and Council directed legal counsel to prepare the necessary legal documentation to complete to grant Street Closing Abandonment Application SCA-49-87, Tower-Dawson Limited Partnership, Applicant.

Re: Approval of Minutes

On motion of Councilman Hartogensis, duly seconded and passed by unanimous vote of all voting, Councilman Duncan abstaining, the minutes of Meeting No. 10-87, March 2, 1987, were approved as amended.

On motion of Councilman Duncan, duly seconded and unanimously passed, the minutes of Meeting No. 11-87, March 4, 1987, were approved as amended.

On motion of Councilman Hartogensis, duly seconded and unanimously passed, the minutes of Meeting No. 12-87, March 9, 1987, were approved as written.

Re: For Your Information and
Correspondence

1. Councilman Coyle asked staff to review the information regarding the County's Adopt a Shelter program.

2. Councilman Coyle referred to a letter from Jeffrey Becker regarding parking in the City and ask staff to prepare a response.

3. Councilman Coyle asked if staff would be responding to the request for a meeting from the Black Minister Conference of Montgomery County. Mayor Van Grack noted that a response has been prepared and sent by the City Clerk.

Re: New Business

1. Councilman Abrams requested that the Surgeon General's report on Aids be shared with all Rockville houses. He asked for a consensus from the Mayor and Council on providing this pamphlet to City residents.

Councilman Duncan asked for copies for the Mayor and Council to review before making a decision. In response to a question from Councilman Hartogenesis regarding the cost for distribution, Acting Public Information Officer, Nancy Bullough, noted that it would cost about \$1,600.00.

Councilman Hartogenesis stated that he is not sure it is appropriate to send the brochure to all households, as it may be offensive to some citizens. Councilman Coyle suggested that an announcement be made that the brochure is available and that those who would like to obtain a copy can call the City to get one.

2. Referring to information included in the City Manager's Various Items Memo of July 24, 1987, Councilman Coyle asked if the sublease parking agreement is for the Pier 1 parking lot. City Manager Robinson noted that it is and Councilman Coyle asked if this agreement would impact the number of available parking spaces. Mr. Robinson stated that he does not believe it will have an impact, but will have the situation monitored.

3. Councilman Coyle asked why the City does not have a daily rate for swimming at the Municipal Swim Center. City Manager Robinson stated that staff will look into it, however, he noted that when the Swim Center was started, concepts for daily rates were not included in the fee structure.

4. Councilman Abrams asked that staff look at the tree at 313 Farragut Street.

5. Councilman Duncan asked about a response for the Historic District Commission's memorandum regarding legal protection for the actions which they take. City Attorney Paul Glasgow stated that he would respond to the memorandum.

6. Councilman Duncan noted that the parking restrictions that had been posted on Princeton Street, between College Parkway and Montgomery College, have been taken down. He asked for a staff report on why the restrictions were no longer in force.

Re: Adjournment

There being no further business to come before the Mayor and Council in General Session, the meeting was adjourned at 10:00 p.m. to convene again in General Session on Monday, August 10, 1987, at 8:00 p.m. or at the call of the Mayor.